ALTERNATIVE DISPUTE RESOLUTION PROGRAM
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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DATE: August 28, 2007

TO: Robert Mitchell
Miles Ehrlich

FROM: Timothy Smagacz
ADR Program Administrative Assistant

RE: ADR Phone Conference Scheduling Notice

NUMBER OF PAGES: 3

RE: **C 07-2214 JF**
**SEC v. Heinen, et al.**

I have received the Notice of Need for ADR Phone Conference filed in this case, and I have scheduled the conference call for **Wednesday, September 5, 2007 at 3:00 p.m.** The conference will be conducted by one of the ADR Program's legal staff, whose biographies appear on the following page. **Please take note that plaintiff's counsel initiates the call to all parties, then calls the ADR Office at (415) 522-4603**.

Please contact me with any scheduling concerns at (415) 522-4205, or email tim_smagacz@cand.uscourts.gov. Thank you for your attention to this matter.

Dockets.Justia.com

# ADR PHONE CONFERENCE

A phone conference has been scheduled under ADR L. R. 3-5 because you indicated on your Notice of Need for ADR Phone Conference either (1) you have not reached an agreement to an ADR process or (2) you have tentatively agreed to a settlement conference before a magistrate judge.

## *Purpose*

The purpose of the conference is to help the parties select or design an ADR process most likely to benefit the particular case. The court offers the following ADR options:

- ***Arbitration (non-binding or binding)***
- ***Early Neutral Evaluation (ENE)***
- ***Mediation***

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In only a limited number of cases that would most benefit from the option, the court also offers an ***Early Settlement Conference with a Magistrate Judge***. If this is the option you prefer, during the ADR phone conference you will discuss your reasons for this preference and consider whether a different ADR process may be better suited for this case. If, after the ADR phone conference, you still prefer the option of an Early Settlement Conference with a Magistrate Judge, the ADR legal staff may make a recommendation to the judge regarding the case's suitability for this option. The assigned judge will then decide whether to refer the case to an Early Settlement Conference with a Magistrate Judge.

Additionally, with the court's approval, you may substitute a private ADR procedure for a court program.

## *Participants* (*See* ADR L.R. 3-5(d)(1))

Counsel who will be primarily responsible for handling the trial of the matter shall participate in the conference. Clients and their insurance carriers are encouraged to participate as well.

## *Logistics* (*See* ADR L.R. 3-5(d)(2))

The conference call shall be arranged and placed by the **ATTORNEY FOR THE FIRST-LISTED PLAINTIFF** in the case caption. Arrange for all counsel to be on hte line before calling the ADR Unit phone conference number, **(415) 522-4603**, at the appointed time. If there are attorneys in the case who are not listed on the cover sheet, the attorney for the first-listed plaintiff shall send them a copy of these materials and include them in the phone conference.

## *Attorney and Client Preparation* (*See* ADR L.R. 3-5(d)(3))

The phone conference will be conducted by one of the court's ADR Program legal staff. (Their biographies are below.) You will be asked your views as to which ADR process you favor and will be encouraged to ask questions about the available ADR options. To prepare for the conference, please review with your clients the ADR Local Rules and the booklet entitled *Dispute Resolution Procedures in the Northern District of California* or the designated portions of the ADR Internet Site (www.adr.cand.uscourts.gov). The court has reserved one-half hour for the conference call.

## *Exemption from the ADR Phone Conference Requirement*

**1) Stipulation to an ADR Process** (*See* ADR L.R. 3-5(c))

You will be exempted from participating in the phone conference if, before the date of the conference, you file a stipulation and proposed order selecting an ADR process other than an Early Settlement Conference with a Magistrate Judge and send, fax or email a copy to the ADR Unit, at the address, fax number or email address listed below. If you intend to stipulate to an Early Settlement Conference with a Magistrate Judge, you must participate in an ADR phone conference.

**2) Termination of Case**

Please call the ADR Unit to remove the case from the phone conference calendar if your case is dismissed or otherwise terminated before the date set for the phone conference.

## BIOGRAPHIES OF ADR PROGRAM LEGAL STAFF

**Director, ADR Program Howard A. Herman**

Howard A. Herman has been with the Northern District since February 1997. Mr. Herman previously served as Director of ADR Programs for Contra Costa County Superior Court. He also spent four years as a settlement conference attorney for the United States Court of Appeals for the Ninth Circuit, ultimately serving as the co-director of that court's settlement conference program. Mr. Herman has practiced as a civil litigator with the firms of Graham & James and Kindel & Anderson in San Francisco. He is a 1983 graduate of Hastings College of the Law and a 1979 graduate, with high honors, of the University of California at Berkeley. Mr. Herman currently teaches negotiation and mediation at Hastings College of the Law. He has experience as a mediator, mediation trainer, and early neutral evaluator.

**ADR Program Staff Attorney Robin W. Siefkin**

Robin W. Siefkin has been with the Northern District since January 2002. From 1997 to 2001, she was the Director of ADR Programs for Contra Costa Superior Court. She previously served as a Supervising Mediator with the Santa Barbara Community Mediation Program and as Attorney/Coordinator of the Santa Barbara Legal Aid Foundation Domestic Violence Restraining Order Clinic. Ms. Siefkin has practiced as a civil litigator and as a transactional attorney with the firms of Gordon & Rees and Horning, Janin & Harvey. She is a 1985 graduate of Hastings College of the Law and a 1978 graduate of the University of California at Davis.

**ADR Program Staff Attorney G. Daniel Bowling**

Daniel Bowling joined the ADR Program as Staff Attorney in March 2006 and has been mediating since 1986. He teaches advanced mediation in the LL.M. Program at Osgoode Hall School of Law, York University, Toronto and has taught basic and advanced negotiation at Hastings College of Law and at Howard Law School. He is a co-editor and co-author of *Bringing Peace into the Room: The Personal Qualities of the Mediator and their Impact on Conflict Resolution* (Jossey-Bass, 2003), and co-author of Chapter 6, “The Mediation Process” in*A Litigator's Guide to Effective Use of ADR in California* (Cal CEB, 2005). He co-founded the first mediation organization in South Carolina, the LowCountry Mediation Network. As Executive Director of SPIDR, he managed the merger among SPIDR, AFM, and the Conflict Resolution Education Network, and served as the first CEO of ACR. He practiced law and was Public Defender in Charleston, SC and was on the founding faculty of Antioch School of Law. He graduated from Harvard Law School and has practiced yoga and meditation for almost thirty years.